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FACSIMILE COVER SHEET

To: Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, CA 22313-1450

Facsimile No. (571) 273-8300

Re: **Application No. 10/722,253**
U.S. Non-Provisional Patent Application for
ANALYTE MONITORING DEVICE AND METHODS OF USE
Filing Date: November 24, 2003
Inventors: James SAY et al
Our File No. TS-02-20

From: Kuni Oh, Esq.
JACKSON & CO., LLP
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Pages: 6 (Including Cover Sheet)

Date: March 09, 2006

If you did not receive all of the pages in this facsimile transmission, please contact Kuni Oh at (510) 652-6418 or by email at mail@jacolaw.com.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Group Art Unit: 3736
James Say et al)	Examiner: NATNITHITHADHA, NAVIN
Appln. No. 10/122,253)	TRANSMITTAL IN RESPONSE TO
Filed: November 23, 2003)	NOTICE OF ABANDONMENT
)	<u>MAILED JANUARY 20, 2006</u>
For: ANALYTE MONITORING DEVICE)	Customer No. 30349
AND METHODS OF USE)	Jackson & Co., LLP
)	6114 La Salle Ave., # 507
)	Oakland, CA 94611-2802

CERTIFICATE OF TRANSMISSION
I hereby certify that this correspondence is being facsimile transmitted to Commissioner for Patents, P.O. Box 1450,
Alexandria VA 22313-1450, Fax No (571) 273-8300
on March 09, 2006.

Seong-Kun Oh

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment mailed January 20, 2006 for insufficient fee paid to cover the issue fee in the amount of \$1,400.00, enclosed please find Petition to revive the present application abandoned unintentionally under 37 CFR 1.137(b), including payment in the amount of \$2,900.00 to cover the Petition Fee under 37 CFR 1.17(m) and the issue fee of \$1,400.00.

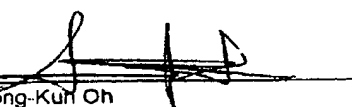
Accordingly, please find the following with this transmission:

1. Petition for Revival of an application for Patent Abandoned Unintentionally under 37 CFR 1.137(b);
2. Certificate of Transmission (in duplicate);
3. Credit Card Payment Form (PTO-2038); and
4. Deposit Account Authorization for under or overpayment (in duplicate).

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR §1.16 or §1.17 to Deposit Account No. 50-2019. A duplicate of this transmittal is attached.

Respectfully submitted,
JACKSON & CO., LLP


March 09, 2006
(Date)
(TS-02-20)

By: 
Seong-Kun Oh
Registration No. 48,210
Attorneys for Applicant(s)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) Group Art Unit: 3736
James Say et al) Examiner: NATNITHITHADHA, NAVIN
Appln. No. 10/122,253) **TRANSMITTAL IN RESPONSE TO**
Filed: November 23, 2003) **NOTICE OF ABANDONMENT**
) **MAILED JANUARY 20, 2006**
) **Customer No. 30349**
For: ANALYTE MONITORING DEVICE) Jackson & Co., LLP
AND METHODS OF USE) 6114 La Salle Ave., # 507
) Oakland, CA 94611-2802

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on March 09, 2006, 
Seong-Kun Oh

Commissioner for Patents
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JACKSON & CO., LLP

March 09, 2006
(Date)

(TS-02-20)

By: 
Seong-Kun Oh
Registration No. 48,210
Attorneys for Applicant(s)

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PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) TS-02-20
<p>First named inventor: James Say</p> <p>Application No.: 10722.253 Art Unit: 3736</p> <p>Filed: November 23, 2003 Examiner: NATNITHITHADHA, NAVIN</p> <p>Title: ANALYTE MONITORING DEVICE AND METHODS OF USE</p> <p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items: 03/10/2006 TL0222 00000001 10722253</p> <p>(1) Petition fee; 01 FC:1501 1400.00 OP</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional.</p> <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____ 03/10/2006 TL0111 00000024 10722253</p> <p><input type="checkbox"/> is enclosed herewith. 01 FC:1453 1500.00 OP</p> <p>B. The issue fee and publication fee (if applicable) of \$ 1,400.00</p> <p><input type="checkbox"/> has been paid previously on _____</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p>		

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

March 09, 2006

Date

Seong-Kun Oh
Typed or printed name

48,210

Registration Number, if applicable

Jackson & Co., LLP
Address

510-652-6418

Telephone Number

6114 La Salle Ave., #507, Oakland, CA 94611-2802
Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Credit Card Payment Form (PTO-2038)**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

March 09, 2006

Date

Signature

Seong-Kun Oh

Typed or printed name of person signing certificate